

526 Res PCT/PTO 02 OCT 2000

Patent

Attorney's Docket No. 025265-155

#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Brandon YIP et al.

Application No.: 09/403,608

Filed: October 25, 1999

For: COATED SUNGLASS LENS



PCT Legal Office

Leonard E. Smith

Anthony Smith

The PTO did not receive the following  
listed item(s)

*No Check Receive T.S.*

RENEWED PETITION UNDER 37 CFR 1.48(a)

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Sir:

RECEIVED

04 OCT 2000

Legal Staff  
International Division

In response to the Decision on Petition Under 37 CFR 1.48(a) issued August 1, 2000 in connection with the above-referenced application, enclosed is a written consent of assignee in compliance with 37 CFR 3.73(b), signed by David Gibson for Sola International Holdings, Ltd. This paper was indicated to be the only document missing from Applicants' previous Petition Under 37 CFR 1.48(a)(1). A copy of that petition, and the attachments thereto, is also enclosed.

Favorable reconsideration of Applicants' Petition Under 37 CFR 1.48(a)(1) is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

*Malcolm K. McGowan*

Malcolm K. McGowan, Ph.D.  
Registration No. 39,300

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: October 2, 2000

Patent  
Attorney's Docket No. 025265-155

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Brandon YIP, *et al.*

Application No.: 09/403,608

Filed: October 25, 1999

For: COATED SUNGLASS LENS

Group Art Unit: 5071

Examiner: Unassigned

**CONSENT OF ASSIGNEE TO CHANGE IN INVENTORSHIP  
PURSUANT TO 37 C.F.R. §1.48(a)(4)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Assignee Sola International Holdings, Ltd., hereby consents to amendment of the inventorship of the above-identified application by adding Randy Lee Gove as coinventor in the present application with Brandon Yip, Colin James Hall, Frank Arnold Samson, and Brian Douglas Adams.

For Sola International Holdings, Ltd.:

13 September 2000

Date



Inventor: YIP et al.

Appln. No. 09/403,608

Filing Date: Oct. 25, 1999

Docket No.: 025265-155

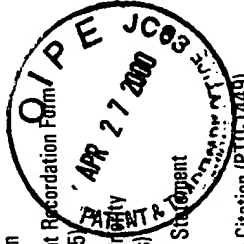
Work Atty: MKM

Date: April 27, 2000

ML

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Amendment or Response   | <input checked="" type="checkbox"/> Transmittal Letter for Missing Parts of Application             | <input checked="" type="checkbox"/> Check for \$ <u>510.00</u> is enclosed                             |
| <input type="checkbox"/> Preliminary Amendment   | <input type="checkbox"/> Executed Declaration/Power of Attorney                                     | <input type="checkbox"/> Check for \$ _____ is enclosed  |
| <input type="checkbox"/> Reply Transmittal Letter  | <input type="checkbox"/> Small Entity Declaration   | <input type="checkbox"/> Charge \$ _____ to Deposit Account  |
| <input checked="" type="checkbox"/> Petition for <u>2</u> Month Extension of Time                    | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)              | <input type="checkbox"/> Issue Fee Transmittal   |
| <input type="checkbox"/> Submission of Formal Drawings w/____ sheet(s) of drawings (Fig(s). 1-____ ) | <input type="checkbox"/> Claim for Convention Priority w/____ certified copy(s)                     | <input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account              |
| <input type="checkbox"/> Request for Approval of Drawing Changes w/____ sheet(s) of red ink drawings | <input type="checkbox"/> Information Disclosure Statement w/____ document(s)                        | <input type="checkbox"/> Request for Refund  |
| <input type="checkbox"/> Notice of Appeal  | <input type="checkbox"/> Information Disclosure Citation (PTO-1449)                                 | <input type="checkbox"/> Status Inquiry  |
| <input type="checkbox"/> Brief for Appellant   | <input type="checkbox"/> Information Disclosure Statement Transmittal Letter                        | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of official Filing Receipt        |
| <input type="checkbox"/> Request for Oral Hearing  | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/copy of Notice | <input checked="" type="checkbox"/> Petition to Correct Inventorship Pursuant to 37 C.F.R. §1.48(1)(1) |
| <input type="checkbox"/> Reply Brief   |   |  |
| <input type="checkbox"/> Response to Restriction Requirement or Election of Species                  |   | <input checked="" type="checkbox"/> Copy of Declaration filed Feb. 14, 2000                            |
| <input type="checkbox"/> Terminal Disclaimer   |   | <input type="checkbox"/>   |
| <input type="checkbox"/> Certificate Under 37 C.F.R. § 3.73(b)                                       |   |  |



(12/97)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Brandon YIP et al.	)	Group Art Unit: 5071
	)	
Application No.: 09/403,608	)	Examiner: Unassigned
	)	
Filed: October 25, 1999	)	
	)	
For: COATED SUNGLASS LENS	)	
	)	
	)	
	)	

**TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION**

**BOX: MISSING PART**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Notice to File Missing Parts of Application Under 37 C.F.R.  
§ 1.53(e) dated February 28, 2000, enclosed please find:

- ☐ a Combined Declaration and Power of Attorney signed by the inventor(s) and the  
surcharge of ☐ \$65.00 (205) ☐ \$130.00 (105) as set forth in 37 C.F.R.  
§ 1.16(e);
- ☐ Note that the inventor(s) identified on the currently filed Combined  
Declaration and Power of Attorney are different than listed on the application  
filing papers.
- ☐ a Statement Claiming Small Entity Status;
- ☐ a Request for Refund;
- ☒ a Petition for Extension of Time and copy of previously filed Declaration;
- ☐ a verified English translation of the Application, and the \$130.00 (139) fee as set  
forth in 37 C.F.R. § 1.17(k);
- ☒ other Petition to Correct Inventorship Pursuant to 37 C.F.R. §1.48(a)(1);
- ☒ a check in the amount of \$ 510.00 for the fee due for missing parts and the  
Petition fee; and

4.27.02  
CJP

Transmittal Letter for Missing Parts of Application

Attorney's Docket No. 025265-155

Application No. 09/403.608

Page 2

[ ] charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due for missing parts.

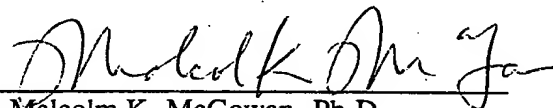
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

By:



Malcolm K. McGowan, Ph.D.

Registration No. 39,300

Date: April 27, 2000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
 )  
Brandon YIP et al. ) Group Art Unit: 5071  
 )  
Application No.: 09/403,608 ) Examiner: Unassigned  
 )  
Filed: October 25, 1999 )  
 )  
For: COATED SUNGLASS LENS )

**PETITION FOR EXTENSION OF TIME**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following extension of time is requested to respond to Notification of a Defective  
Response issued February 28, 2000 :

two months to May 14, 2000 ; the extension fee is:

[ ] \$190.00 (216) [X] \$380.00 (116).

[ ] The shortened statutory period has been reset by an Advisory Action dated

[X] An extension fee in the amount of \$ 380.00 is enclosed.

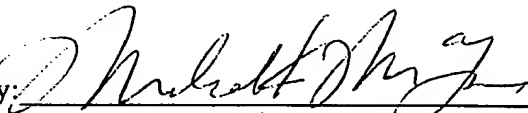
[ ] Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R.  
§§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to  
Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

By:   
Malcolm K. McGowan, Ph.D.  
Registration No. 39,300

Date: April 27, 2000

4,2700

C/K

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Brandon YIP, *et al.*

Application No.: 09/403,608

Filed: October 25, 1999

For: COATED SUNGLASS LENS

Group Art Unit: 5071

Examiner: Unassigned

**PETITION TO CORRECT INVENTORSHIP  
PURSUANT TO 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby petitions, pursuant to 37 C.F.R. § 1.48(a)(1), to correct the inventorship of the above-identified application. Applicant hereby requests that Randy Lee Gove be added as a coinventor in the present application. Pursuant to 37 C.F.R. § 1.48(a)(1), Applicant states that the correct inventive entity of the present application is Brandon Yip, Colin James Hall, Frank Arnold Samson, Brian Douglas Adams, and Randy Lee Gove. This petition is accompanied by a copy of the Declaration by each of the inventors as required by 37 C.F.R. §1.63; this Declaration was originally filed in this application on February 14, 2000. This petition is also accompanied by a statement of

4.27.00  
CAY

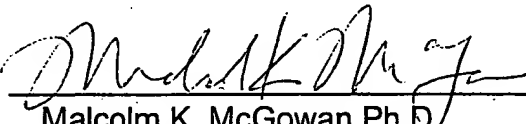
Randy Lee Gove that the error in inventorship occurred without deceptive intention on his part.

Finally, pursuant to 37 C.F.R. § 1.48(b)(2), attached hereto is the fee set forth in 37 C.F.R. § 1.17(h).

In view of the above, Applicant hereby petitions that the inventive entity be changed from Brandon Yip, Colin James Hall, Frank Arnold Samson, and Brian Douglas Adams to Brandon Yip, Colin James Hall, Frank Arnold Samson, Brian Douglas Adams, and Randy Lee Gove.

This Petition is accompanied by the fee set forth in 37 C.F.R. §1.17(i). No further fees are believed to be due by this paper. Nevertheless, the Commissioner is hereby authorized to charge any further fees under 37 C.F.R. §§1.116 and 1.117 that may be required by this paper; and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Malcolm K. McGowan Ph.D.  
Registration No. 39,300

Post Office Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: April 28, 2000



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Brandon YIP, *et al.*

Application No.: 09/403,608

Filed: October 25, 1999

For: COATED SUNGLASS LENS

Group Art Unit: 5071

Examiner: Unassigned

**DECLARATION OF RANDY LEE GOVE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Randy Lee Gove, hereby declare that the erroneous omission of my name as an inventor of the above-cited application occurred without deceptive intention.

I declare further that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4/24/2000

By: Randy Lee Gove  
Randy Lee Gove

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
(Includes Reference to Provisional and PCT International Applications)

Attorney's Docket No.

025265-155

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**COATED SUNGLASS LENS**

the specification of which (check only one item below):

☒ is attached hereto.

☐ was filed as United States application

Number \_\_\_\_\_

on \_\_\_\_\_

and was amended

on \_\_\_\_\_ (if applicable).

☒ was filed as PCT international application

Number PCT/AU98/00868

on October 18, 1998

and was amended

on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(e) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:**

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
Australia	PO9950	21/10/1997	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Australia	PP8997	04/03/1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

Attorney's Docket No.  
025265-155

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

  
21839[illegible]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (CONTINUED)**  
(Includes Reference to Provisional and PCT International Applications)

Attorney's Docket No.

025265-155

FULL NAME OF SOLE OR FIRST INVENTOR

Brandon YIP

SIGNATURE

*Brandon Yip*

DATE

*12/11/99*

RESIDENCE

Unit 3, 4 Stirling Road, Blackwood, South Australia 5051, AUSTRALIA

CITIZENSHIP

POST OFFICE ADDRESS

Unit 3, 4 Stirling Road, Blackwood, South Australia 5051, AUSTRALIA

FULL NAME OF SECOND JOINT INVENTOR, IF ANY

Colin James HALL

SIGNATURE

*Colin Hall*

DATE

*11/12/99*

RESIDENCE

Unit 2, 8 Hillview Crescent, South Brighton, South Australia 5048 AUSTRALIA

CITIZENSHIP

POST OFFICE ADDRESS

Unit 2, 8 Hillview Crescent, South Brighton, South Australia 5048 AUSTRALIA

FULL NAME OF THIRD JOINT INVENTOR, IF ANY

Frank Arnold SAMSON

SIGNATURE

*Frank Samson*

DATE

*13/12/99*

RESIDENCE

2632 Cosgrove Road, Strathalbyn, South Australia 5255, AUSTRALIA

CITIZENSHIP

POST OFFICE ADDRESS

2632 Cosgrove Road, Strathalbyn, South Australia 5255, AUSTRALIA

FULL NAME OF FOURTH JOINT INVENTOR, IF ANY

Brian Douglas ADAMS

SIGNATURE

*Brian Adams*

DATE

*29/11/99*

RESIDENCE

39 Darwendale Street, Huntfield Heights, South Australia 5163, AUSTRALIA

CITIZENSHIP

POST OFFICE ADDRESS

39 Darwendale Street, Huntfield Heights, South Australia 5163, AUSTRALIA

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY

Randy Lee GOVE

SIGNATURE

*Randy Gove*

DATE

*12/17/99*

RESIDENCE

1202 Maple Drive, Rohnert Park, CA 94928, U.S.A.

CITIZENSHIP

POST OFFICE ADDRESS

1202 Maple Drive, Rohnert Park, CA 94928, U.S.A.

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF NINTH JOINT INVENTOR, IF ANY

SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS